

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Richard David Stewart

Docket No. 4:10-CR-41-2BR

Petition for Action on Supervised Release

COMES NOW Melissa K. Gonigam, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Richard David Stewart, who, upon an earlier plea of guilty to Possession With the Intent to Distribute 50 Grams or More of Cocaine Base (Crack) and Aiding and Abetting, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on December 6, 2010, to the custody of the Bureau of Prisons for a term of 120 months, to be followed by a 5 year term of supervised release. On May 13, 2013, pursuant to 18 U.S.C. § 3742(f)(1) and (2) of the Federal Rules of Criminal Procedure, the defendant's sentence of imprisonment was reduced to 60 months.

Richard David Stewart was released from custody on October 10, 2014, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 12, 2017, Stewart submitted to urinalysis that tested positive for marijuana. On May 4, 2017, the undersigned probation officer confronted the defendant regarding the violation. Stewart signed an admission form indicating he used marijuana in April of 2017.

As a sanction for the violation, the probation officer respectfully recommends the conditions of supervised release be modified to include the DROPS Program at the second use level.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Melissa K. Gonigam
Melissa K. Gonigam
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: (252) 830-2345
Executed On: May 11, 2017

ORDER OF THE COURT

Considered and ordered this 17 day of May, 2017, and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

